

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:09-00092

HOMER LEE BUTCHER

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On May 1, 2014, the United States of America appeared by C. Haley Bunn, Assistant United States Attorney, and the defendant, Homer Lee Butcher, appeared in person and by his counsel, Michael D. Payne, for a hearing on the petition on supervised release submitted by United States Probation Officer Jeffrey D. Bella. The defendant commenced a thirty-two month term of supervised release in this action on January 3, 2014, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on January 3, 2014.

The court heard the evidence and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respect: the defendant failed to abide by the special condition that he spend six months in the LEARN program inasmuch as he entered the program on January 6, 2014, and was discharged for violating the facility rules on February 21, 2014; all as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violation warrants revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violation if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant is in need of correctional treatment which can most effectively be provided if

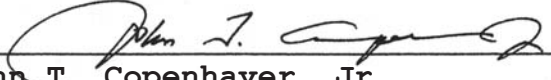
he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of FOUR (4) MONTHS, to be followed by a term of twenty-eight (28) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the special conditions that he make himself available for substance abuse counseling and treatment as directed by the probation officer, and participate in an anger management program as directed by the probation officer.

The defendant shall surrender for service of the sentence to the institution designated by the Bureau of Prisons by 2:00 p.m. on June 27, 2014.

After hearing the parties respecting bond, the court ORDERED that defendant remain on bond subject to the special conditions set forth in the Order Setting Conditions of Release entered in this action on April 9, 2014.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: June 2, 2014



John T. Copenhaver, Jr.
United States District Judge